

On March 10, 1933, the Bliss Syrup & Preserving Co., Kansas City, Mo., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds in the sum of \$200, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20775. Adulteration and misbranding of vinegar. U. S. v. 161 Cases of Vinegar. Product released under bond to be relabeled. (F. & D. no. 29114. Sample no. 16627-A.)

This case involved an interstate shipment of vinegar that was diluted with water or a diluted acid solution.

On October 25, 1932, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 161 cases, each containing 4 glass jugs of vinegar, at Quitman, Ga., alleging that the article had been shipped in interstate commerce, on or about April 6, 1932, by the Speas Manufacturing Co., from Memphis, Tenn., to Quitman, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. This article was labeled in part: "Speas Old Time Apple Cider Vinegar * * * Speas Mfg. Co., Kansas City and Branches."

It was alleged in the libel that the article was adulterated in that added water or diluted acid solution had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Apple Cider Vinegar", was false and misleading and deceived and misled the purchaser when applied to an article containing added water or diluted acid solution. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 21, 1933, the Speas Manufacturing Co. filed an answer admitting the allegations of the libel and petitioned release of the goods under bond in the sum of \$400, conditioned that it be relabeled under the supervision of this Department.

On March 22, 1933, the court ordered the product released for relabeling under the conditions of the bond.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20776. Misbranding of canned peaches. U. S. v. 1,098 Cases of Canned Peaches. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29612. Sample no. 29005-A.)

This case involved an interstate shipment of canned peaches that fell below the standard established by this Department, and that was not labeled to show that it was substandard.

On December 9, 1932, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 1,098 cases of canned peaches at Emporia, Kans., alleging that the article had been shipped in interstate commerce on or about November 5, 1932, by the Smith Canning Co., from Layton, Utah, into the State of Kansas and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Water Pack Yellow Free Peaches, packed by Smith Canning Co., Clearfield, Utah."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because the fruit was excessively ragged and consisted in large part of broken halves, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On March 30, 1933, the Theo Poehler Mercantile Co., Emporia, Kans., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that it be relabeled under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*